

PRODUCT: 85 cases, each containing 6 6-pound, 7-ounce cans, of cherries at Seattle, Wash.

LABEL, IN PART: "White Tag Red Sour Pitted Cherries."

NATURE OF CHARGE: Misbranding, Section 403 (h) (1), the product fell below the standard of quality for pitted canned cherries, since it contained more than one pit in each 20 ounces of cherries and it failed to bear the substandard legend.

DISPOSITION: May 4, 1948. The Paulus Bros. Packing Co., claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond to be relabeled under the supervision of the Food and Drug Administration.

13118. Adulteration and misbranding of canned grapefruit. U. S. v. 2,806 Cases
* * *. (F. D. C. No. 24285. Sample No. 3640-K.)

LABEL FILED: December 31, 1947, Eastern District of Virginia.

ALLEGED SHIPMENT: On or about September 2, 1947, by the Lee Co., Inc., from Valrico, Fla.

PRODUCT: 2,806 cases, each containing 24 1-pound, 4-ounce cans, of grapefruit at Norfolk, Va.

LABEL, IN PART: "Tampa Belle Florida Grapefruit Mostly Whole Sections in Medium Syrup * * * Distributed by Lee Growers Cooperative Tampa, Florida."

NATURE OF CHARGE: Adulteration, Section 402 (a) (3), the product consisted in whole or in part of a decomposed substance.

Misbranding, Section 403 (a), the vignette on the label depicting grapefruit sections and the label statement "Grapefruit Mostly Whole Sections in Medium Syrup" were false and misleading, since the article consisted in part of grapefruit juice. (Examination showed the presence of decomposed grapefruit, and some of the cans contained grapefruit juice instead of grapefruit.)

DISPOSITION: March 30, 1948. Default decree of condemnation. The product was ordered delivered to a Federal institution, after segregation and destruction of the unfit portion, under the supervision of the Food and Drug Administration. As a result of the segregation, 169 cases of unfit material consisting of swells, flippers, and rusted or badly dented cans were destroyed.

13119. Adulteration and misbranding of canned peaches. U. S. v. Jones Brothers Canning Co., a corporation, and Oma F. Jones and Barnett W. Jones. Pleas of guilty. Fines of \$25 against each defendant. (F. D. C. No. 24076. Sample Nos. 54170-H, 55237-H, 55536-H, 55537-H.)

INFORMATION FILED: May 24, 1948, Western District of South Carolina, against the Jones Brothers Canning Co., a corporation, Greer, S. C., and Oma F. Jones and Barnett W. Jones.

ALLEGED SHIPMENT: On or about July 17 and August 10, 20, and 21, 1947, from the State of South Carolina into the States of North Carolina, Indiana, and Georgia.

PRODUCT: 4 shipments of canned peaches.

LABEL, IN PART: "Cedar Rock Brand [or "Greer Brand"]."

NATURE OF CHARGE: Adulteration (1 shipment), Section 402 (a) (3), the product consisted in part of a filthy substance by reason of the presence of worms and worm excreta.

Misbranding (2 shipments), Section 403 (h) (1), the product fell below the standard of quality prescribed by the regulations for canned peaches, since it failed to meet the test for tenderness; and (1 shipment), Section 403 (g) (2), it failed to bear, as prescribed by the regulations, the name of the optional packing medium present, since it was labeled "In Heavy Syrup" but was packed in light sirup.

DISPOSITION: May 24, 1948. Pleas of guilty having been entered on behalf of the defendants, the court imposed fines of \$25 against each defendant.

13120. Misbranding of canned peaches. U. S. v. 483 Cases * * *. (F. D. C. No. 24192. Sample Nos. 4131-K, 4135-K, 33207-K.)

LABEL FILED: On December 18, 1947, District of Massachusetts.

ALLEGED SHIPMENT: On or about September 22, 1947, by the G. W. Hume Co. from Turlock, Calif.